

ROAD TRAFFIC (No. 3).

No. 135 of 1976.

AN ACT to amend section nineteen of the Road Traffic Act, 1974-1976 and to add thereto section ninety-eight A.

[Assented to 9th December, 1976.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Road Traffic Act Amendment Act (No. 3), 1976.*

Short title
and
citation.

(2) In this Act the Road Traffic Act, 1974-1976 is referred to as the principal Act.

Act No. 59
of 1974 as
amended
by Acts
Nos. 77 and
93 of 1975
and Nos. 17
and 48
of 1976

(3) The principal Act as amended by this Act may be cited as the Road Traffic Act, 1974-1976.

Section 19
amended.

2. Subsection (11) of section 19 of the principal Act is amended by adding after the word "semi-trailer" in line one the passage " , the tare weight of which exceeds two tonnes,".

Section 98A
added.

3. The principal Act is amended by adding after section 98 a section as follows—

Speed
measuring
equipment.

98A. (1) In this section—

“speed measuring equipment” means apparatus of a type approved by the Minister pursuant to subsection (2) of this section.

(2) The Minister may, from time to time, by notice published in the *Government Gazette*, approve of types of apparatus for ascertaining the speed at which a vehicle is moving and may, by notice so published, revoke any such approval.

(3) In any proceeding for an offence against this or any other Act or the regulations evidence may be given of the use of speed measuring equipment by a patrolman in relation to a vehicle and of the speed at which that vehicle was moving as ascertained by the use of that equipment, and that evidence is *prima facie* evidence of the speed at which that vehicle was moving at the time of the use of that equipment in relation to that vehicle.

(4) In any proceeding such as is mentioned in subsection (3) of this section, evidence by a patrolman that apparatus used by him was speed measuring equipment within the meaning of this section is *prima facie* evidence of that fact.

(5) Nothing in this section shall be construed as precluding or restricting the introduction of any competent evidence, whether in addition to, or independent of, any evidence for which provision is made by this section, bearing on the question of whether a person was or was not guilty of an offence against this or any other Act or the regulations. .
